

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant:	Jennifer Fu	Patent Application
Application No.:	10/721,708	Group Art Unit: 2193
Filed:	November 24, 2003	Examiner: Mitchell, J.
For:	BLOCK TEST TESTING IN MULTI-TIER APPLICATION ENVIRONMENTS	

REPLY BRIEF

In response to the Examiner's Answer mailed on May 1, 2008, Appellant respectfully submits the following remarks.

REMARKS

Appellant is submitting the following remarks in response to the Examiner's Answer. In these remarks, Appellant is addressing certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed that Appellant agrees with the other arguments presented in the Examiner's Answer.

Response to Argument on Page 10, Second Paragraph of the Examiner's Answer

In the Appeal Brief filed February 1, 2008, while addressing a 35 U.S.C. §102(b) rejection of Claims 1-4, 6-14, and 16-21, and in particular independent Claim 1, Appellant argues that "End-to-End Testing of IT Architecture and Applications" by Bocarsly et al. (hereinafter, "Bocarsly") does not teach, "testing each of said plurality of tier-specific modules as a black box" as is recited in Appellant's Claim 1.

In the response to this argument, the instant Office Action mailed on May 1, 2008 (hereinafter, "instant Office Action") asserts that "[t]his disclosure makes it clear that the two types of tests are applied to different aspects of the software system and thus are distinct, or partitionable" (instant Office Action, page 8, third paragraph). However, Appellant respectfully notes that Bocarsly states:

The most potent strategy combines testing the environment's individual components with testing the environment as a whole. In this strategy, testing at both the component and system levels must include functional tests [black box testing] to validate data integrity as well as scalability/performance tests [white box testing] to ensure acceptable response times under various system loads.

(Bocarsly, page 2, second paragraph.) As seen in this paragraph, Bocarsly asserts that the occurrence of both types of testing, black box and white box testing, are necessary for its invention to operate.

Additionally, as already noted in Appellant's Appeal Brief, Bocarsly describes itself in the following manner: "End-to-End Architecture Testing is essentially a 'gray box' approach to testing – a combination of the strengths of white box and black box testing" (Bocarsly, page 2, fourth paragraph). Moreover, Bocarsly points out that, "...black box testing assumes little or no knowledge of the internal workings of the system... Black box tests cannot typically pinpoint the cause of problems. Nor can they ensure that any particular piece of code has been executed, runs efficiently, and does not contain memory leaks or other similar problems" (Bocarsly, page 3, first paragraph).

Bocarsly teaches that black box testing has many limitations that Bocarsly claims to overcome by utilizing the "grey box" approach. However, Appellant's Claim 1 only describes "testing each of said plurality of tier-specific modules as a black box". Bocarsly describes "merging" black box and white box testing techniques (Bocarsly, page 3, second paragraph). "Merging" implies altering the black box and white box testing techniques to be able to work together. Bocarsly does not describe its invention as merely applying two separate techniques of testing (black box and white box) at different times and locations to test "all points of access in a computing environment" (Bocarsly, page 2, third paragraph). Bocarsly requires merging of the black and white box techniques to function as intended.

Thus, Appellant respectfully asserts that “testing each of said plurality of tier-specific modules as a black box” as is recited in Appellants’ Claim 1 is not anticipated by Bocarsly’s teaching of the merging of black box and white box testing techniques (and necessarily the altering of these testing techniques to achieve a merger).

CONCLUSION

In view of the above remarks, Appellant continues to assert that Bocarsly does not suggest Appellant's claimed features, for reasons presented above and for reasons previously presented in the Appeal Brief.

Respectfully submitted,

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